

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 3, 9, and 14-15.

Claims 1-23 are currently being amended.

Claims 24-28 are currently being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-28 are now pending in this application.

The Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Abstract

The PTO has objected to the abstract because it is not in narrative form and is one run-on sentence. The Applicant has amended the abstract to conform with U.S. practice.

Claim Objections

The PTO has objected to the claims because of various grammatical, typographical, and antecedent basis informalities. The Applicant has amended the claims to fix such informalities and to conform to U.S. practice.

Rejection of claims 1 and 5-23 under 35 U.S.C. § 112.

The PTO has rejected claims 1 and 5-23 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Applicant has amended the claims to correct any indefinite language and to conform to U.S. practice.

Rejection of claims 1, 5-6, 8-12, 16, and 18-23 as being anticipated by Yasushi

The PTO has rejected claims 1, 5-6, 8-12, 16, and 18-23 under 35 U.S.C. 102(b) as being anticipated by Japanese reference 2000-266986 (“Yasushi”). For at least the following reasons, this rejection is traversed.

Claim 1 has been amended to include the feature “a coding device having at least one first coding means with a first width and at least one second coding means with a second width.” As disclosed in Figs. 1 and 3 of the present application, first coding means 9 is wider than second coding means 5. In contrast, Yasushi does not disclose this feature because it shows that the coding means 10a-d are of the same width. (Fig. 4 of Yasushi.)

In addition, claim 1 of the present application has been amended to include the feature “wherein said coding device being embodied in such a way that the two detectors detect the first coding means simultaneously when the receiving device is located in a retention position, and only one of the two detectors detects the second coding means when the receiving device is located in a region between two adjacent retention positions.” Yasushi, however, discloses that each coding means, for example, 14D1-14D3, is detected by an individual detector 10a-d but does not teach that two detectors detect one particular coding means. (Fig. 6 of Yasushi.)

Claim 20 has been amended to include the feature “detecting at least one of a first coding means having a first width and a second coding means having a second width.” As mentioned above, Yasushi does not disclose or teach this feature.

For at least these reasons, reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of claims 7, 13-15, and 17 as being unpatentable over Yasushi

The PTO has rejected claims 7, 13-15, and 17 under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 2000-266986 (“Yasushi”). For at least the following reasons, this rejection is traversed.

Claims 7, 13-15, and 17 are not rendered unpatentable for at least the same reasons as claim 1 from which they depend.

Also, according to MPEP § 2143:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The PTO has failed to satisfy at least the first and third criteria to establish a case of *prima facie* obviousness.

In regard to claim 7, the PTO provides no prior art that discloses a light source being switched off when the receiving device is located in a retention position. The PTO has also provided no motivation from Yasushi or from general knowledge to suggest such a modification.

In regard to claims 13-15, the PTO provides no prior art disclosing that coding means are provided that are each at a distance T from one another which is substantially constant.

For at least these reasons, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

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Respectfully submitted,

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